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*Attorneys for Lead Plaintiff Henry Low
and Lead Counsel for Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE ENERGY RECOVERY INC.
SECURITIES LITIGATION) Master File No.
) 3:15-cv-00265-EMC
)
) CLASS ACTION
)
) **STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE
 SCHEDULING CONFERENCE**
)
) Judge: Hon. Edward M. Chen
) Case Management Conference: July 16, 2015

STIPULATION

WHEREAS, this case is a putative class action brought under the Securities Exchange Act of 1934 (the “Exchange Act”); and

WHEREAS, Section 21D(b)(3)(B) of the Exchange Act, 15 U.S.C. §78u-4(b)(3)(B), provides for a mandatory and automatic stay of “all discovery and other proceedings” during the pendency of any motion to dismiss brought in this matter; and

WHEREAS, the Court has set a Case Management Conference to be held on July 16, 2015, at 9:30 a.m., and has directed the parties to file a Case Management Statement on or before July 9, 2015 (*see* Dkt. No. 39); and

WHEREAS, in light of the mandatory discovery stay that will be in effect during the pendency of any motions to dismiss, the parties respectfully submit that it would be premature to set a case schedule or develop a discovery plan at this stage of the proceedings; and

WHEREAS, the parties therefore respectfully request that the Court continue the Case Management Conference to take place only after challenges to the pleadings are resolved.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, subject to the Court's approval, that:

1. The Case Management Conference, currently set for July 16, 2015 at 9:30 a.m., shall be taken off calendar.

2. The Case Management Conference will be rescheduled by the Court following the resolution of challenges to the pleadings.

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1 **IT IS SO STIPULATED.**

2 Dated: July 7, 2015 PUNZALAN LAW, P.C.

3 By: /s/ Mark Punzalan
4 Mark Punzalan

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10 *Attorneys for Lead Plaintiff Henry Low
11 and Lead Counsel for Class*

12 Dated: July 7, 2015 PILLSBURY WINTHROP SHAW PITTMAN LLP

13 By: /s/ David M. Furbush
14 David M. Furbush

15 2550 Hanover Street
Palo Alto, CA 94304-1115

16 *Attorneys for Defendant Energy Recovery, Inc.*

17 **ECF ATTESTATION**

18 I, Mark Punzalan, am the ECF User whose ID and Password are being used to file the
19 foregoing document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that David M.
20 Furbush has concurred in this filing.

22 DATED: July 7, 2015 PUNZALAN LAW, P.C.

23 By: /s/ Mark Punzalan
24 Mark Punzalan

1 **[PROPOSED] ORDER**

2 Upon review of the parties' Stipulation to Continue the Case Management Conference, and
3 good cause appearing therefore,

4 IT IS HEREBY ORDERED AS FOLLOWS:

5 3. The Case Management Conference, currently set for July 16, 2015 at 9:30 a.m., is
6 taken off the calendar.

7 4. The Case Management Conference will be rescheduled by the Court following the
8 resolution of challenges to the pleadings. is reset for 12/3/15 at 9:30 a.m. A joint
cmc statement shall be filed by 11/25/15.

9 **IT IS SO ORDERED.**

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11 DATED: 7/8/15

